

DEFICIENCY PROGRESS REPORT – UPDATE 5

Date Submitted: August 26, 2009

CUPA: NAPA COUNTY DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Evaluation Date: March 19 and 20, 2008

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Update 3 Submittal Date: February 10, 2009

Status: Deficiencies 3, 16, and 18 remain outstanding.

Update 4 Submittal Date: May 11, 2009

Status: Deficiencies 3, 16, and 18 remain outstanding.

Update 5 Submittal Date: August 9, 2009

Deficiencies Corrected: 3 and 16

Status: Deficiencies 18 remains outstanding

Next Progress Report Due (6th Update): December 7, 2009

Deficiency 3: The CUPA does not provide for a consolidated permit process to its regulated businesses.

Corrective Action: By December 15, 2008, the CUPA will implement and provide for a consolidated permitting process to its regulated community. Beginning August 14, 2008, the CUPA will submit a report of their progress toward correcting this deficiency, including a copy of a consolidated permit issued to a facility regulated under multiple Unified Program elements.

CUPA Update 1: Napa County DEM has developed a Unified Program Permit (see attached). We are in the process of switching data management systems. We continue to work with the data management vendor and anticipate going live with the new system in the near future. The Unified Permit will be generated by the new data management system. In the interim, we are using the attached UST Operating Permit conditions (See attached).

Comments to Update 1: *Cal/EPA appreciates the CUPA's progress. However, this deficiency remains a correction in progress. This deficiency will be considered corrected once the CUPA's consolidated permit process is fully implemented. When available, please provide a copy of a Unified Program Facility Permit that has been issued to a business that is regulated under multiple (two or more) Unified Program elements.*

CUPA Update 2: The new database is not online yet.

Comments to Update 2: *This deficiency remains in the process of being corrected. On the next deficiency progress report, due on December 29, 2008, please update Cal/EPA on the CUPA's status toward correcting this deficiency.*

CUPA Update 3: We are currently in the test phase with the new database and anticipate going live within two months. The Unified Program Facility Permit will be implemented at that time. See sample attached.

Comments to Update 3: *This deficiency shall be considered corrected contingent upon implementation of the consolidated permit as stated within the next two months. Provide a status on the implementation of the consolidated permit in the next update due May 11, 2008.*

CUPA Update 4: We are nearly completion building our new data system. We anticipate going live with the new system in June which means that we will begin using our new consolidated permit.

Cal/EPA Response to Update 4: Cal/EPA is pleased with the progress being made to complete this project. On your next progress report please provide actual copies of the new permit for one of your facilities.

CUPA Corrective Action Update 5: Please find a copy of the Unified Programs Consolidated Permit.

Cal/EPA Response to Update 5: *Cal/EPA considers this deficiency corrected. No further action is required.*

Deficiency 16: The CUPA's Permit to Operate for the underground storage tank (UST) program does not contain all of the required elements.

Corrective Action: By August 14, 2008, the CUPA will revise its permit to include monitoring of the tanks and piping, and include language that requires the owner or operator to comply with Health and Safety Code chapter 6.75 and the California Code of Regulations title 23, chapter 18 in the permit conditions. Beginning May 16, 2008, the CUPA will retain a copy of each permit issued (either a paper copy or an electronic image) for its files.

CUPA Update 1: Complete. Please see attached. A copy of the invoice that is signed by the District person, which triggers the operating permit issuance, is placed in the respective UST file. When we switch to the new data management system, a Consolidated Unified Program Permit will be issued and a copy placed in an electronic file.

Comments to Update 1: *The SWRCB Staff is pleased that the CUPA has developed an Operating Permit template that includes tank and pipe monitoring, and the additional required language. It appears, however, that the use of this permit is based on using the new database. This deficiency remains uncorrected until the CUPA is able to issue the new permit and maintain a copy of the permit in the facility file. Please provide an update regarding the*

status of when the new permits will be issued in the next progress report, due on November 12, 2008. When available, please provide a copy of a newly issued Permit to Operate which uses the new template.

CUPA Update 2: The new database is not online yet.

Comments to Update 2: *Please continue to update the SWRCB on using the new database and issuing the new operating permits. Please provide a copy of a permit when available.*

CUPA Update 3: We are currently in the test phase with the new database and anticipate going live within two months. The Unified Program Facility Permit will be implemented at that time. See sample attached.

Comments to Update 3: *The State Water Board has reviewed the sample permit and has suggested several changes for clarity. Please see attached version.*

CUPA Update 4: We are nearly completion building our new data system. We anticipate going live with the new system in June which means that we will begin using our new consolidated permit which includes the UST operating permit language. The State Water's Boards suggestions were incorporated said permit.

SWRCB Response to Update 4: Please provide a completed copy of a permit for an active facility when available.

CUPA Corrective Action Update 5: Please find a copy of the Unified Programs Consolidated Permit.

SWRCB Response to Update 5: *The SWRCB considers this deficiency corrected as long as the CUPA adds the words **and approved** to the permit conditions point number two (see below in blue).*

2. The permittee must comply with, and maintain on site the copy of a current permit and the attached: Written **and approved** monitoring procedures, emergency response plans, and a plot plan designating the location where monitoring will be performed. Title 23, Section 2712(i). Copies of these items shall be sent to the NCDEM. CCR Title 23, Chapter 16, 2632(b) and Section 2712.

Deficiency 18: The CUPA's inspection report does not document or detail the inspection, but consists of summary of violations or notice to comply (NTC) only information. There is no record of components reviewed.

Corrective Action by August 14, 2008: The CUPA will develop a detailed inspection report showing the items reviewed.

CUPA Update 1: Napa County DEM utilizes a checklist for UST inspections and writes the observation, violation, and corrective action on a separate inspection sheet. If facilities want a

copy of the entire inspection checklist now or in the future, they may request it and it will be provided.

Comments to Update 1: *The SWRCB staff is pleased with the progress the CUPA is making in correcting this deficiency. Please provide a copy of the inspection checklist in the next status report. In addition, please provide information on how the checklist will be maintained with the violation summary as part of the complete inspection report in the facility file.*

CUPA Update 2: Napa County DEM utilizes a checklist for UST inspections and writes the observation, violation, and corrective action on a separate inspection sheet. If facilities want a copy of the entire inspection checklist now or in the future, they may request it and it will be provided.

Comments to Update 2: *The CUPA has neither provided a copy of the inspection checklist nor an explanation of how it is used to document that a complete inspection was conducted, nor how the violation summary portion and the inspection checklist will be maintained as part of the complete report, as requested.*

Please provide a copy of the inspection checklist and provide information on how the checklist will be maintained with the violation summary as part of the complete inspection report in the facility file in your next status report.

Note: *A comprehensive inspection report showing all items reviewed during the inspection and detailing the findings of the inspection (compliance as well as non-compliance) is necessary to ensure that regulatory requirements are met (including SOC). These become part of the detailed records necessary to meet California Code of Regulations title 27 reporting requirements, in support of the summary reports submitted.*

CUPA Update 3: Please find the enclosed checklist. Our new database has a field to document the level of compliance/non-compliance. NCDEM utilizes a checklist for UST inspections and writes the observation, violation, and corrective action on a separate inspection sheet. If facilities want a copy of the entire inspection checklist now or in the future, they may request it and it will be provided.

Comments to Update 3: *The State Water Board has reviewed the NCDEM checklist. It is not clear to State Water Board staff how an inspector would use the checklist to document compliance and, in particular, determine if the facility is in significant operational compliance for release detection and release prevention. The State Water Board staff would like to review several completed inspection sheets with your next update to see how the inspectors verified compliance.*

CUPA Update 4: The included checklist is our new checklist that will be used with our new data management software. The checklist requires the inspector to check the status of each line item as either being either in or out of compliance with the standard. Additionally, the SOC status of the facility is also printed on the inspection form. We anticipate going live with the

new system in June. We would be happy to send you a completed inspection report at that time.

SWRCB Response to Update 4: Please provide several completed inspection sheets for review when available.

CUPA Corrective Action Update 5: Please find a copy of an inspection attached. I have also attached a copy of our electronic inspection form so that you can see what items are inspected.

SWRCB's Response to Update 5: *The SWRCB is pleased to see that Napa DEM has developed a comprehensive UST inspection checklist. Attached, please find our comments regarding the checklist. On the next progress report, please submit a revised version indicating any changes made. If the CUPA prefers to submit this sooner, please contact us so that we can help with clearing this deficiency sooner.*